

Message

---

**From:** Mueller, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEF070E0EC8F4DFA8456C8B4DE614662-SMUELLER]  
**Sent:** 7/17/2018 8:38:43 PM  
**To:** Rhame, Kenneth [Rhame.Kenneth@epa.gov]; Makerov, Mike [Mike.Makerov@BNSF.com]  
**CC:** Maher.Zein@arcadis.com; Stegman, Allen M [Allen.Stegman@BNSF.com]; John F. Barg - Barg Coffin Lewis & Trapp, LLP (jbarg@bargcoffin.com) [jbarg@bargcoffin.com]; Thomas, Charles D [Charles.Thomas@BNSF.com]; Kuhl, Brooke [Brooke.Kuhl@BNSF.com]  
**Subject:** RE: July 10, 2018 Letter - USEPA Access & Remediation, Haystack Mine.pdf

Ken and Mike,  
(I've cc'd John Barg.)

We have been in touch with DOI and they will issue a new letter. I don't think there is any need at this point for BNSF to send another request to BIA.

Thank you.

Sarah

Sarah E. Mueller  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne St., ORC-3  
San Francisco, CA 94105  
(415) 972-3953  
mueller.sarah@epa.gov

---

**From:** Rhame, Kenneth  
**Sent:** Tuesday, July 17, 2018 10:21 AM  
**To:** Makerov, Mike <Mike.Makerov@BNSF.com>  
**Cc:** Maher.Zein@arcadis.com; Mueller, Sarah <Mueller.Sarah@epa.gov>; Stegman, Allen M <Allen.Stegman@BNSF.com>; Thomas, Charles D <Charles.Thomas@BNSF.com>; Kuhl, Brooke <Brooke.Kuhl@BNSF.com>  
**Subject:** Re: July 10, 2018 Letter - USEPA Access & Remediation, Haystack Mine.pdf

Mike,  
I think that would be fine. We just want to be clear that BIA is granting access to BNSF and BNSF contractors and there was some valid concerns that Sarah brought up. If you could copy us on that letter, we would appreciate it.

Thanks,  
Ken Rhame  
505-901-1653 cell

Sent from my iPhone

On Jul 17, 2018, at 11:14 AM, Makerov, Mike <[Mike.Makerov@BNSF.com](mailto:Mike.Makerov@BNSF.com)> wrote:

Hi Ken,

I want to make sure I am clear on what the next step should be for Section 13 access based on the e-mail chain below. Do you anticipate that Fern Becenti will amend the July 10, 2018 letter to Zizi Searles for the purpose of granting access to BNSF and its subcontractors, as you mention below?

Our request letter dated February 27, 2018 to Ms. Becenti requesting access to Section 13 indicated "In anticipation of field activities, BNSF is requesting permission from the Bureau of Indian Affairs (BIA) to access the southeast portion of Section 13 (Figure 2) to implement the soil removal activities as required by the USEPA."

Perhaps I can modify our February 27, 2018 letter by putting it on BNSF Letterhead and resending the request; would this be acceptable?

Thanks,

Mike

**Mike W. Makerov**

Manager Environmental Remediation

BNSF Railway Company

740 E. Carnegie Drive | San Bernardino, CA 92408

o: 909.386.4081 | c: 909.289.1893

[Mike.makerov@bnsf.com](mailto:Mike.makerov@bnsf.com)

**From:** Rhame, Kenneth [<mailto:Rhame.Kenneth@epa.gov>]

**Sent:** Tuesday, July 17, 2018 4:46 AM

**To:** Makerov, Mike <[Mike.Makerov@BNSF.com](mailto:Mike.Makerov@BNSF.com)>

**Cc:** [Maher.Zein@arcadis.com](mailto:Maher.Zein@arcadis.com); Mueller, Sarah <[Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov)>

**Subject:** Fwd: July 10, 2018 Letter - USEPA Access & Remediation, Haystack Mine.pdf

\*\*\* This email includes an ATTACHMENT from outside of BNSF and could contain malicious links. Ensure email is from a **trusted** sender before opening the attachment.

Never enter your login credentials if prompted. Click the **Email Alert** button on the Outlook toolbar to send SPAM email to Security.

## EXTERNAL EMAIL

Mike,

Just a FYI-

We need to request a more clear/concise letter from BIA granting access to BNSF and BNSF contractors. Please see email below.

Give me a call if you have questions.

Ken

505-901-1653 cell

Sent from my iPhone

Begin forwarded message:

**From:** [Rhame.Kenneth@epa.gov](mailto:Rhame.Kenneth@epa.gov)

**Date:** July 16, 2018 at 8:11:18 PM MDT

**To:** [fern.becenti@bia.gov](mailto:fern.becenti@bia.gov)

**Cc:** [Mueller.Sarah@epa.gov](mailto:Mueller.Sarah@epa.gov), zizi searles <[Searles.zizi@epa.gov](mailto:Searles.zizi@epa.gov)>

**Subject:** July 10, 2018 Letter - USEPA Access & Remediation, Haystack Mine.pdf

Fern,

We appreciate the attached access agreement. EPA feels like this is sufficient in granting us access; however, the attorney feels like it needs to be more clear that BIA is granting BNSF and its contractors access. The letter originally sent to BIA requesting access came from Arcadis, which is BNSFs contractor. Could you please amend the access agreement? Sorry for the confusion, if you have any questions please feel free to contact myself or Sarah Mueller.

Sincerely,

Kenneth Rhame

US EPA OSC

505-901-1653 cell

<July 10, 2018 Letter - USEPA Access & Remediation, Haystack Mine.pdf>